

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 5, 10, 11, 16 and 17 are requested to be cancelled.

Claims 1, 7, and 13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 6-9, 12-15 and 18 are now pending in this application. Note that the word “set” is included in the claims. “Set” is intended to mean one or more.

The independent claims have been amended to cover a comprehensive supply chain management system for dealing with periodic sales data being received from a plurality of independent point of sale outlets in a franchise context and detecting the problems that may be indicated by that data. A fundamental management problem faced by a franchise supply chain management system is to quickly determine from point of sale data where there are problems, either relating to accuracy of sales data reporting from the outlets that may impact forecasting used in ordering products from suppliers or distributors, or problems relating to the outlets not following franchise requirements for goods that may impact the actual cost of the goods being sold by the outlet (for example, in a restaurant point of sale context, the outlet not properly following a recipe for a hamburger and assembling it with three pickles instead of the two pickles called for by the franchise recipe thereby increasing the actual cost of the good sold, as well as the projected rate of ingredient usage), or problems faced because the point of sale data indicates a major discrepancy relative to a forecasted sales amount that will typically entail immediate ordering or canceling of product orders from distributors and suppliers. See applicants' specification at pages 42-47, for example, for basis for the added limitations.

The amended independent claim 1 now includes the steps of

a set of supply chain computers of an independent supply chain manager of a franchise supply chain, the supply chain computers performing among them the following steps

receiving data from a plurality of independent point of sale outlets of a supply chain utilizing a network, the data comprising an amount of goods sold by the point of sale outlets, with the goods not being sold on the network;

checking the data for errors made by the independent point of sale outlets;

identifying the errors made by the independent point of sale outlets such as point of sale set-up error, point of sale entry error, back office error, polling error, and datum item mapping error and logging the errors in a log;

correcting the data using the identification;

correcting the data using the identification;

transmitting the log to the independent point of sale outlets utilizing the network;

receiving amounts of products distributed to the respective independent point of sale outlets;

calculating in a management supply chain computer an actual good cost per point of sale outlet and an ideal good cost and making accessible to the respective independent point of sale outlets;

tracking the data relating to the sale of goods against forecasted sales on a periodic basis; and

generating an alert if a deviation between the data and the forecasted sales exceeds a threshold.

Claims 1-18 were rejected under 35 USC 103 as being obvious over the two-reference combination of Shavit et al. in view of Park. This rejection is respectfully traversed and reconsideration is requested.

Shavit discloses a system for facilitating the direct communication between buyers and sellers, and also facilitates the provision of payment services and freight services. No point of sale data is received in Shavit for sales not made on the network, which is the context of the present claims. Shavit performs to collect customer orders or as an order entry service for sales generated on the network. See Shavit at column 6, lines 31-35. As the examiner correctly notes, almost all of the elements of applicants' claims are missing from Shavit.

Park is cited to make up the deficiencies of Shavit. Park discloses an accounting processor for automatically performing an accounting procedure for transaction data on a real-time basis. In this procedure there is a journalizing step for classifying the information into credit side and debit side information, summing the classified transaction information, and generating an error message on a display if the sum of the debit/credit side transaction amount is not in accordance with balancing principles. See Park at column 13, lines 13-29.

However, Park does not disclose or suggest the identification and logging of an error type from among a plurality of error types. Likewise, Park does not disclose correcting the data using the identification. Likewise, Park does not disclose sending a log with the identification to the point of sale outlets. Likewise, Park does not disclose the problems relating to detecting discrepancies between the actual cost of goods sold by the point of sale outlet and the ideal cost of goods that should be realized by following franchise rules, such as following a particular recipe on the number of pickles to use in the assembly of a hamburger. The new claim language covering this more comprehensive aspect is "receiving amounts of products distributed to the respective independent point of sale outlets; calculating in a management supply chain computer an actual good cost per point of sale outlet and an ideal good cost and making accessible to the respective independent point of sale outlets."

Likewise, Park does not recognize the problem faced when point of sale data indicates a major discrepancy relative to a forecasted sales amount that may entail immediate ordering

or canceling of product orders from distributors and suppliers, or attempt to detect such a discrepancy. The claim language on this point is as follows: "tracking the data relating to the sale of goods against forecasted sales on a periodic basis; and generating an alert if a deviation between the data and the forecasted sales exceeds a threshold."

Applicant believes that the present application is now in condition for allowance. The references, whether alone or combined, are deficient in that they do not disclose individually or collectively the diverse elements of the comprehensive supply chain system claimed herein for managing POS data not generated by or on the supply chain network. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By



FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

William T. Ellis

Attorney for Applicant

Registration No. 26,874